

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

HAMILTON COUNTY EMERGENCY
COMMUNICATIONS DISTRICT,

Plaintiff,

v.

ORBACOM COMMUNICATIONS
INTEGRATOR CORPORATION,
ORBACOM SYSTEMS, INC., OCI
LIQUIDATING LLC, IPC INFORMATION
SYSTEMS HOLDING, INC., HERBERT
COHEN, and RONALD NEWFIELD,

Defendants.

No. 1:04-CV-7

Chief Judge Curtis L. Collier

ORDER

In accordance with the accompanying memorandum the Court **GRANTS IN PART** and **DENIES IN PART** Plaintiff Hamilton County Emergency Communications District's ("Plaintiff") Motion for Summary Judgment (Court File No. 221). The Court hereby **ORDERS** as follows:

- (1) Plaintiff's motion for summary judgment on its Tennessee Consumer Protection Act ("TCPA"), Tenn. Code Ann. § 47-8-101, *et seq.*, claims under § 47-18-104(b)(7) based on the invoicing of the staging, delivery, and installation of the workstations is **GRANTED**; and
- (2) Plaintiff's motion for summary judgment on its TCPA claims under § 47-18-104(b)(7) based on OCI's contractual promise to provide Plaintiff with Xeon processors and the ordering, delivery, and installation of the workstations is

DENIED.

Further, the Court **GRANTS IN PART** and **DENIES IN PART** Defendants Orbacom Communications Integrator Corp.'s ("OCI") and OCI Liquidating LLC's ("OCIL") (collectively "OCI") motion for summary judgment (Court File No. 223). The Court hereby **ORDERS** as follows:

- (1) OCI's motion for summary judgment on Plaintiff's TCPA claims under § 47-18-104(b)(5) and § 47-18-104(b)(27) is **GRANTED** and those claims are **DISMISSED**;
- (2) OCI's motion for summary judgment on Plaintiff's TCPA claims under § 47-18-104(b)(7) based on OCI's contractual promise to provide Plaintiff with Xeon processors and the ordering, delivery, and installation of the workstation is **GRANTED** and those claims are **DISMISSED**;
- (3) OCI's motion for summary judgment on Plaintiff's breach of contract claim is **DENIED**;
- (4) OCI's motion for summary judgment on Plaintiff's TCPA claims based on the applicable of statute of limitations and remedy arguments is **DENIED**; and
- (5) OCI's motion for summary judgment on Plaintiff's TCPA claims under § 47-18-104(b)(7) for the invoicing of the staging, delivery, and installation of the workstations is **DENIED**.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE